

REMARKS

At the time the current Office Action was mailed, the Examiner rejected claims 1-10 and 12-34. Claims 1-10 and 12-34 remain pending, and claim 11 was cancelled in a prior communication. Applicant respectfully requests reconsideration of the application in view of the remarks set forth below.

Prior to addressing the rejection, Applicant again stresses that the present application has been pending for over three years, and in that period the Examiner has rejected the original claims *four* times. Applicant reiterates that “the Examiner should never overlook the importance of his or her role in allowing claims which properly define the invention.” M.P.E.P. § 706. Applicant has not amended the claims for any reasons related to patentability, and Applicant has repeatedly argued the same deficiency of the cited art, specifically the lack of an “arbitrary code” to obtain information regarding a point-of-interest (“POI”) as recited in all independent claims. In view of the remarks set forth below, Applicant respectfully submits that the claimed subject matter is patentable over the prior art. As such, Applicant respectfully submits that the Examiner has failed to allow claims that clearly distinguish over the art, as required by M.P.E.P. § 706. Therefore, at this time, Applicant respectfully solicits and expects an allowance of claims 1-10 and 12-34.

Rejections under 35. U.S.C. § 103

The Examiner rejected claims 1-10 and 12-34 under 35 U.S.C. § 103 as being unpatentable over Ross et al. (U.S. Publication No. 2004/0203919, hereafter referred to as

“Ross”) in view of Green et al. (U.S. Pub No. 2001/0051973, hereafter referred to as “Green”). In addition, the Examiner stated that “Applicant’s arguments filed on 1/22/07 have been fully considered but they are not persuasive.” Office Action, page 7. Applicant respectfully traverses this rejection.

As mentioned above, Applicant respectfully traverses these rejections. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Analysis under obviousness is not confined by formal conceptions or words like teaching, suggestion, or motivation, or by overemphasizing published articles or the explicit content of issued patents. *KSR International Co. v. Teleflex Inc.*, No. 04-1350, slip op. at 15 (April 30, 2007). The analysis supporting the rejection must be explicit, and it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *Id.* at 14-15. Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Further, Applicant would like to remind the Examiner that “the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification” and that “it is improper to import claim limitations from the specification” into the claims. M.P.E.P. §2111.01. Further, “[t]he ordinary and customary meaning of a claim term is the meaning that

the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005). Additionally, "[t]he ordinary and customary meaning of a term may be evidenced by a variety of sources, including the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art." *Id.*, 415 F.3d at 1314.

In the rejection, the Examiner stated:

As to claims 1, 21, Ross et al. disclose a telematics assembly comprising an input device configured to receive a point of interest (PCI) (See paragraph 0039); a communication device configured to initiate communication with a database having data related to the P01 (See paragraph 0025, 0029; page 6, second column at claim 13); and a receiving device configured to receive the data related to the P01 from the database (See paragraph 0036). Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point- of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076) [Green et al. discloses in Fig. 1 a PDA 114 which is a communication device where the codes (arbitrary codes) are entered. Each one of the codes is associated with a point of interest in the locator database 116]. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

Office Action, page 3.

Regarding independent claims 8, 14, 27, and 32, the Examiner stated the following text in each rejection:

Ross et al. fail to specifically disclose that the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest. In an analogous art, Green et al. disclose a method and system and computer program product for a locator service wherein it discloses the input device is configured to receive an arbitrary code pre-assigned to correspond to a point-of-interest (See paragraph 0043, 0047, 0073, 0076). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ross et al. with that of Green et al. by assigning a code to a point of interest in order to better handle location requests.

Office Action, pages 4-7.

As stated in the previous response, neither Ross nor Green disclose the use of an “arbitrary code” to obtain information relating to a POI. As discussed previously and as admitted by the Examiner, Ross does not disclose the use of an “arbitrary code” to obtain information relating to a POI. Office Action, page 2. Applicant respectfully submits that Green does not disclose the use of an “*arbitrary* code” as recited in independent claims 1, 8, 14, 21, 27, 32, and 33.

The Examiner stated that “[o]n page 4 of the specification, an example is given of the ‘arbitrary code’ which is no different from the Green et al. prior art.” Office Action, page 8. Applicant respectfully disagrees with the Examiner’s reading of the specification of the present application. In describing the embodiment cited by the Examiner, the specification states that “each POI is assigned a code *that does not alphanumerically and substantially correspond to the alphanumeric name of the POI.*” Application, page 4 (Emphasis added). The present application

further states that “each code may be numeric, e.g., ‘12345,’ or predominately numeric, e.g., ‘*12345#,’ because such codes are easy to remember and enter.” *Id.*, page 4. Applicant has not redefined the term “arbitrary” to mean anything other than its normal meaning. Arbitrary is defined as “based on random choice or personal whim, rather than any reason or system.” *The New Oxford American Dictionary* 97 (2d ed. 2005).

In sharp contrast, Green discloses a numeric code in which *each numeral of the code is selected to correspond to an attribute of the POI*. Green discloses a “location code” that contains “locational and categorical information on every point of interest.” Green, ¶ [0029]. Such a location code is depicted in FIG. 3 of the Green application, which is described as “a block diagram of the location code, according to an embodiment of the invention.” *Id.*, ¶ [0040]. As can be seen from FIG. 3, and as further stated by Green, the location code “is based on four attributes, each represented numerically and delineated by an * or other accessible character as a delineating character in the following order--Zone ID 304*Category 306*Sub-Category 308*Unique Identifier 310*.” *Id.*, ¶ [0040].

The location code depicted in FIG. 3 of Green and the text cited above clearly indicate that Green does *not* disclose an “arbitrary code,” but a location code based on a *system*. Each numeral of the location code disclosed in Green is purposely selected according to a different attribute. Thus, the first numeral represents a “Zone ID,” the second attribute represents a “Category,” and so on. Green, ¶ [0040]. In contrast, an *arbitrary* code would not have any *systematic* correspondence between a numeral and an attribute. Indeed, Green *never* mentions

the words “arbitrary,” “random,” or any other description of the location code described therein that may be interpreted as disclosing an “arbitrary code” as recited in the independent claims of the present Application. Therefore, under the plain meaning of the claim term “arbitrary code” according to the definition cited above and the specification of the present application, neither Green nor any of the other cited art disclose the use of an “arbitrary code” as recited in independent claims 1, 8, 14, 21, 27, 32, and 33.


Accordingly, the cited references, taken alone or in combination, do not disclose or suggest all of the elements of the claimed invention, and thus cannot possibly render the claimed subject matter obvious. Applicant respectfully requests withdrawal of the Examiner’s rejection and allowance of claims 1-10 and 12-34.

Conclusion

In view of the remarks set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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